

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/710,634	MOVSAS, TAMMY
	Examiner Justine R. Yu	Art Unit 3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 7/26/04.
2.  The allowed claim(s) is/are 1-9.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The application has been amended as follows:

The abstract has been replaced with the following new abstract in order to correct the informality:

--A portable toilet apparatus in a form of collapsible, folding chair including a planar square platform with an opening formed in the central portion thereof a removable receptacle with an upper and lower ring which is accommodated in the opening, two or more elongating telescoping poles attached to the back of the chair, each telescoping pole has a locking clip to secure the pole in an extended orientation, a

collapsible planar frame attached to the top of the telescoping poles, and a foldable canopy supported by the frame. The canopy is unfolded into a top planar surface and a back planar surface when the chair is opened. A removable folding privacy screen attached to the canopy. When the screen is unfolded the screen forms a generally rectangular planar surface having a plurality of outer planar surfaces opposite a plurality of inner planar surfaces covering an area including the front and two sides of the chair.

--

In the specification:

Before line 1, page 1, inserted --This application claims the benefit of U.S. Provisional Application No. 60/556,305, filed on 3/25/2004, and U.S. Provisional Application No. 60/521,953, filed on 7/26/2004.--

In the claims:

The claim numbers [C1] - [C9] have been changed to --1--, --2--, --3--, --4--, --5--, --6--, --7--, --8--, and --9--, respectively.

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings are informal. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

3. Applicant's claim for the benefit of a prior-filed application 60/496,593 under 35 U.S.C. 119(e) is acknowledged. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e) as follows: The prior-filed application 60/496,593 doesn't disclose the claimed invention of the later-filed application in the manner provided by the first paragraph of 35 USC 112 for a benefit claim under 35 USC 120, 121, or 365 (C ) and also for a benefit claim under 35 USC 119(e).

4. The following is an examiner's statement of reasons for allowance: The prior art of record does not disclose the specific structure and relationship as recited in claim 1 such that a portable toilet apparatus comprising a collapsible planar frame comprising a collapsible, folding chair, a removable receptacle, two or more elongating telescoping poles, a collapsible planar frame attached to the top of the telescoping poles, a foldable canopy supported by the frame, wherein the canopy is unfolded into a top planar surface and a back planar surface when the chair is opened, and a removable folding privacy screen attached to the canopy, and the screen forms a generally rectangular planar surface.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Olson (3,203,007), Harney (6934980), and Cox (5,564,136) are cited to show different toilet apparatus. Tashchyan (6,296,002) is cited to show a different canopy.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justine R. Yu whose telephone number is (571) 272-4835. The examiner can normally be reached on Monday-Thursday from 8:30 am to 6:00 pm. The examiner can also be reached on alternate Fridays.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Justine R Yu  
SPE  
Art Unit 3751